

## **REMARKS**

### **I. GENERAL**

Claims 1-19 are pending in the current application. Claims 1, 2, 4-6, 9, 12, and 14 have been amended. The outstanding issues are:

- Claims 1-8 are objected to for informalities;
- Claims 1-8 and 11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention;
- Claims 1-19 are rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter;
- Claims 1, 3-4, 7-12, and 14-18 are rejected under 35 U.S.C. § 102(e) as being anticipated by Candelore (U.S. Patent No. 6,363,149, hereinafter *Candelore*);
- Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Candelore* in view of Akins, III et al. (U.S. Patent No. 6,744,892, hereinafter *Akins*); and
- Claims 5, 6, 13, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Candelore* in view of Katz (U.S. Patent No. 6,570,967, hereinafter *Katz*).

In response, Applicants traverse the outstanding claim objections and rejections, and request reconsideration and withdrawal in light of the amendments and remarks presented herein. Furthermore, Applicants respectfully note that the Examiner has not yet provided a detailed assessment of Applicants arguments presented in response to the previous Office Action.

### **II. CLAIM AMENDMENTS**

Claims 1 has been amended to correct a typographical error by deleting the number “5.” Accordingly, no new matter is presented. Moreover, this correction is not intended to narrow the scope of the claim.

Claims 1, 2, and 4-6 have been amended to more clearly describe the functional limitations of certain elements by replacing the term “for” with the term “operable to.” Accordingly, no new matter is presented. Moreover, these corrections are not intended to narrow the scope of the claims.

Claims 9 and 12 have been amended to more clearly define the subject matter being claimed by inserting the terms “electronic” and “electronically.” No new matter is presented, as support for the added language is found throughout the specification. *See, e.g.*, pages 7-8.

Claim 14 has been amended to correct an inadvertent error by inserting a period at the end of the claim. Accordingly, no new matter is presented. Moreover, this correction is not intended to narrow the scope of the claim.

### **III. CLAIM OBJECTIONS**

Claims 1-8 stand objected to because of a typographical error. Office Action, page 2. The present amendment corrects this typographical error. Therefore, the Examiner’s objections to claims 1-8 are now moot.

### **IV. REJECTIONS UNDER 35 U.S.C. § 112**

Claims 1-8 and 11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Office Action, page 3. In particular, the Examiner states that:

[I]n claims 1, 2, 4-6 and 11, the ‘for’ phrases makes [sic] the claims indefinite and unclear in that neither method steps nor interrelationship of method steps are set forth in these claims in order to achieve the desired results expressed in the ‘for’ phrases .... Examiner considers the limitations after the phrase ‘for’ as only defining the intended use. Office Action, page 3.

Applicants assert that the original language of claims 1, 2, 4-6, and 11 clearly satisfied the requirements of 35 U.S.C. § 112, second paragraph. However, in an effort to expedite prosecution of the present application, claims 1, 2, and 4-6 have been amended to more clearly set out the functional limitations that were present in the original claim language. Moreover, Applicants respectfully remind the Examiner that:

[A] functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used. M.P.E.P. § 2173.05(g).

For instance, claim 1, as amended, recites, in part, “a database operable to receive said entitlement information from an entitlement enterprise.” With reference to this particular element, the present specification describes a database (100) that stores entitlement information. Present specification, page 7, lines 1-13, and Figure 1. Therefore, those skilled in the art would understand what is claimed when the claim is read in light of the in light of the specification. *See* M.P.E.P. § 2173.02.

Claim 1, also recites, in part, “a data structure, wherein said data structure is adapted for searching said database for entitlement information responsive to data provided by said entitlement service provider.” Again, Applicants point out that the present specification describes a data structure (102) that conducts a search of database (100) using information entered by an entitlement service provider in order to find matches or other indications to verify entitlement. Present specification, page 9, lines 17-21, and Figure 1. Therefore, those skilled in the art would understand what is claimed when the claim is read in light of the in light of the specification. *See* M.P.E.P. § 2173.02.

Applicants assert that every element of claims 1-8 and 11, including those not specifically addressed by the Examiner, is clearly recited and carefully described within the present specification. Accordingly, each of claims 1-8 and 11 particularly points out and distinctly claims the subject matter which Applicants regard as the invention, and Applicants respectfully request withdrawal of the 35 U.S.C. § 112 rejection of claims 1-8 and 11.

#### **V. REJECTIONS UNDER 35 U.S.C. § 101**

Claims 1-19 are rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Office Action, page 4. Under section 101,

[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor .... 35 U.S.C. § 101.

Moreover, for subject matter to be statutory, the claimed process or machine must be limited to a practical application. *See* M.P.E.P. § 2106. A claim is limited to a practical application when the method or machine, as claimed, produces “a concrete, tangible and useful result.”

*See AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352 at 1358 (Fed. Cir. 1999). *See also State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F.3d 1368 at 1373 (Fed. Cir. 1998). Referring to claims 1-8, the Examiner states that:

Claims 1-8 are method claims where the limitations set forth in the claims only disclose non-tangible components that can be viewed as only software or non-data processing components. No act of processing data, transmission of data, etc. in a computing device is present in the claim language or it is not clear. Further more [sic] in the light of [sic] 112 rejection above the elements not necessarily are [sic] connected to one another processing anything ... As an example one can present all that component [sic] on a piece of paper. Office Action, page 4.

First, Applicants first point out that claim 1-8 are *not* method claims, but are instead directed to a clearinghouse. The clearinghouse of claims 1-8 produces “a concrete, tangible, and useful result”—i.e., it provides verified entitlement information to at least one entitlement service provider. *See* M.P.E.P. § 2106. And, as noted above, the present amendment better sets out the functional limitations of the claims, including data processing limitations. Therefore, the subject matter of claims 1-8 is statutory under 35 U.S.C. § 101.

Furthermore, Applicants respectfully assert that the elements of claims 1-8 (e.g., a clearinghouse for providing verified entitlement information, a secure access point operable to allow authorized ones of said at least one entitlement service provider to interactively access said clearinghouse, and a clearinghouse monitor operable to control access to said clearinghouse from said secure access point, among others) cannot be presented on a piece of paper. In any event, the Examiner has not provided any basis for his supposition that a claim is non-statutory if components can be presented “on a piece of paper,” and Applicants do not know of any basis that can support the Examiner’s position.

Referring to claims 9-17, the Examiner states that:

claims 9-1[7] are method claims where the limitations set forth in the claims only disclose non-tangible components that can be viewed as only software or non-data processing components. No act of processing data, transmission of data, etc. in a computing device is present in the claim language or it is not clear. Office Action, page 4.

Claim 9, as amended, requires, in part, “A method for electronically verifying entitlement, comprising the steps of: assembling a list of entitlement information from entitlement parties.” Applicants assert that claims 9-17 are method claims that clearly require the processing of data. In addition, claim 9 recites a method or process that produces “a concrete, tangible, and useful result”—i.e., it electronically verifies entitlement. *See* M.P.E.P. § 2106. Therefore, the subject matter of claims 9-17 is statutory under 35 U.S.C. § 101.

Referring to claims 18 and 19, the Examiner states that:

claims 18-19 are system or an apparatus claims [sic] where the limitations set forth in the claims only disclose non-tangible components that can be viewed as only software or non-data processing components. Office Action, page 4.

Claim 18 requires, in part, “[A]n entitlement authority for verifying entitlement information comprising: means for receiving said entitlement information and access information from an entitlement party.” Applicants assert that claims 18 and 19 are means-plus-function claims. Several means, including computer and processing means, are described in the specification and clearly require the processing of data. In addition, claims 18 and 19 produce “a concrete, tangible, and useful result”—i.e., electronic verification of entitlement information. *See* M.P.E.P. § 2106. Therefore, the subject matter of claims 18 and 19 is statutory under 35 U.S.C. § 101.

Accordingly, Applicants respectfully requests that the 35 U.S.C. § 101 rejection of claims 1-19 be withdrawn and that the claims be passed to issuance.

## **VI. REJECTIONS UNDER 35 U.S.C. § 102(e)**

Claims 1, 3-4, 7-12, and 14-18 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,363,149 to Candelore (hereinafter *Candelore*).

It is well settled that to anticipate a claim, the reference must teach every element of the claim, *see* M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required

by the claim,” *see* M.P.E.P. § 2131, *citing In re Bond*, 15 US.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” *see* M.P.E.P. § 2131, *citing Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicants respectfully assert that the rejection does not satisfy these requirements.

**A. Claims 1, 3, 4, 7, and 8**

Claim 1, as amended, requires:

A clearinghouse for providing verified entitlement information to at least one entitlement service provider, said clearinghouse comprising:

[A] database operable to receive said entitlement information from an entitlement enterprise; a secure access point operable to allow authorized ones of said at least one entitlement service provider to interactively access said clearinghouse; a clearinghouse monitor operable to control access to said clearinghouse from said secure access point responsive to access information provided by said entitlement enterprise; and a data structure, wherein said data structure is adapted for searching said database for entitlement information responsive to data provided by said entitlement service provider.

The Examiner cites generally to the Abstract, all of the figures and associated text, and column 6, lines 18-51 of *Candelore* to support his rejection of claim 1. However, *Candelore* does not teach or even suggest the limitations of claim 1, as amended.

*Candelore* describes a method and apparatus for accessing stored digital programs. Title, Abstract. In particular, *Candelore* describes a digital device that receives a digital bitstream of television programming from television service provider. Col. 4, lns 6–11. Part of the transmitted programming in this bitstream may be scrambled. Col. 4, lns 43–51. In order to view the scrambled program data, a key must be used by the digital device. Col. 4, lns 31–35. The key is provided to the digital device in the bitstream through entitlement control messages (ECM). Col. 6, lns 40–51. The Examiner does not clearly point out what entity from *Candelore* comprises the claimed clearinghouse. In fact, *Candelore* does not

teach or suggest a clearinghouse that provides verified entitlement information to at least one service provider, as required in claim 1.

The Examiner does not state which element of *Candelore* corresponds to the database of claim 1. In fact, *Candelore* does not teach or suggest a database. The key that allows the digital device to unscramble the program information, which is arguably the element of *Candelore* closest to entitlement information, is contained in an ECM message that is part of the bitstream transmission from the service provider. Col. 6, lns 29–51. The ECM message is not a database, as required by claim 1.

The Examiner also does not state which element of *Candelore* corresponds to the secure access point to the clearinghouse required in claim 1. In addition to the failure to teach a clearinghouse, *Candelore* also does not teach or suggest any secure access point; not even to the subject digital device. *Candelore* merely describes the digital device receiving a bitstream from the service or content provider. Col. 4, lns 6–11. No suggestion of a secure access point is noted. Moreover, beyond the fact that no clearinghouse or secure access point is disclosed, *Candelore* also does not teach or suggest a clearinghouse monitor for controlling access to a clearinghouse, as required by claim 1.

The Examiner also does not state which element of *Candelore* corresponds to the data structure required in claim 1. In addition to the failure to teach a database, *Candelore* also does not teach a data structure for searching a database responsive to data provided by an entitlement service provider. The key is provided by the service provider in the ECM message. Col. 6, lns 40–51. It does not supply any additional data that triggers a data structure to be used to search anything. *Candelore* does describe the structure of various messages sent from the service provider, such as the ECM messages and entitlement management messages (EMM), which may contain historical keys. Figures 6A–E, 8A–C. However, the structures described are not used to search anything.

Therefore, Applicants respectfully assert that, for the above reasons, claim 1 is patentable over the 35 U.S.C. § 102 rejection of record. Furthermore, there are great differences between claim 1 and *Candelore*, and a person of ordinary skill in the art considering the prior art would not find these differences obvious.

Claims 3, 4, 7, and 8 each depend directly from base claim 1, and thus inherit all of its limitations. Moreover, each of claims 3, 4, 7, and 8 sets forth features and limitations in addition to the inherited limitations of claim 1 that are not taught or even suggested by *Candelore*. Thus, Applicants respectfully assert that, for the above reasons, claims 1, 3, 4, 7, and 8 are patentable over the 35 U.S.C. § 102 rejection of record.

**B. Claims 9-12 and 14-17**

Claim 9, as amended, requires:

[A] method for electronically verifying entitlement, comprising the steps of: assembling a list of entitlement information from entitlement parties; authorizing electronic access to said list of entitlement information based on corresponding access information; providing entitlement service suppliers with authorization secure electronic access to said list; and searching said list for entitlement responsive to identification data provided by said entitlement service suppliers.

The Examiner cites generally to the Abstract, all of the figures and associated text, and column 6, lines 18-51 of *Candelore* to support his rejection of claim 9. However, *Candelore* does not teach or even suggest the limitations of claim 9, as amended.

The Examiner does not specifically state where *Candelore* teaches authorizing electronic access to the list of entitlement information based on corresponding access information. In fact, *Candelore* does not teach or even suggest this limitation. The key for scrambling or unscrambling the program data is found in the ECM that is in the bitstream received from the *Candelore* service provider. Col. 6, lns 29–51. Once received by the digital device, no authorization access is discussed or needed in order to access the ECM to derive the key. Furthermore, the digital device, or any of its components, do not provide corresponding access information in order to receive authorization to access the key within the ECM. Thus, *Candelore* does not teach or suggest this limitation of claim 9.

The Examiner also does not specifically state where *Candelore* teaches providing entitlement service suppliers with authorization secure access to the list of entitlement information. In fact, *Candelore* teaches that the service provider generates the ECM with the key included therein. Col. 4, lns 6–34. It does not teach or even suggest that the service



provider requires authorization secure access to the list of entitlement information that it created and transmitted to the subject digital device. *Candelore* does not teach or suggest that the service provider even attempts to access the key within the ECM once the ECM has been transmitted to the digital device. Thus, *Candelore* does not teach or suggest this limitation of claim 9.

The Examiner additionally does not specifically state where *Candelore* teaches searching the list for entitlement responsive to identification data provided by the entitlement service supplier. The key, in *Candelore*, is provided by the service provider in the ECM message. Col. 6, lns 40–51. The service provider does not supply any additional identification data that triggers a search of anything. *Candelore* does describe the structure of various messages sent from the service provider, such as the ECM messages and entitlement management messages (EMM), which may contain historical keys. Figures 6A–E, 8A–C. However, *Candelore* does not describe searching a list responsive to any identification data provided by the service provider. Thus, *Candelore* does not teach or suggest this limitation of claim 9.

Therefore, Applicants respectfully assert that, for the above reasons claim 9 is patentable over the 35 U.S.C. § 102 rejection of record. Furthermore, there are great differences between claim 9 and *Candelore*, and a person of ordinary skill in the art considering the prior art would not find these differences obvious.

Claims 10-12 and 14-17 each depend directly from base claim 9, and thus inherit all of its limitations. Moreover, each of claims 10-12 and 14-17 sets forth features and limitations in addition to the inherited limitations of claim 9 that are not taught or even suggested by *Candelore*. Thus, Applicants respectfully assert that, for the above reasons, claims 9-12 and 14-17 are patentable over the 35 U.S.C. § 102 rejection of record.

### **C. Claim 18**

Claim 18 requires:

[A]n entitlement authority for electronically verifying entitlement information comprising: means for receiving said entitlement

information and access information from an entitlement party; means for storing said entitlement information and said access information; means for securing an interface to said entitlement authority; means for authorizing access to said entitlement authority responsive to said access information; means for receiving data from an entitlement service provider for verifying entitlement; means for searching said stored entitlement information using said data; means for providing results of said searching; and means for updating said stored entitlement information.

The Examiner again cites generally to the Abstract, all of the figures and associated text, and column 6, lines 18-51 of *Candelore* to support his rejection of claim 18. However, *Candelore* does not teach or even suggest the limitations of claim 18.

The Examiner does not state which element of *Candelore* corresponds to the means for storing entitlement information and access information. The key, in *Candelore*, used to scramble and/or unscramble program data is included by the service provider in ECM messages transmitted to the subject digital device. Col. 6, lns 40–51. The inclusion of the key within the ECM message is not reasonably equivalent to storing entitlement information. Moreover, *Candelore* does not teach or even suggest access information at all. Thus, *Candelore* does not teach or suggest this limitation of claim 18.

The Examiner also does not state which element of *Candelore* corresponds to the means for securing an interface to the entitlement authority required in claim 18. In addition to the failure to teach an entitlement authority, *Candelore* also does not teach or suggest any secure interface; not even to the subject digital device. *Candelore* merely describes the digital device receiving a bitstream from the service or content provider. Col. 4, lns 6–11. No suggestion of a secure interface is noted. Thus, *Candelore* does not teach or suggest this limitation of claim 18.

The Examiner also does not specifically state which element of *Candelore* corresponds to the means for authorizing access to the entitlement authority responsive to access information. In fact, *Candelore* does not teach or even suggest this limitation. The key for scrambling or unscrambling the program data is found in the ECM that is in the bitstream received from the *Candelore* service provider. Col. 6, lns 29–51. Once received by the digital device, no authorization access is discussed or needed in order to access the ECM

to derive the key. Furthermore, the digital device, or any of its components, do not provide access information in order to receive authorization to access the key within the ECM. Thus, *Candelore* does not teach or suggest this limitation of claim 18.

The Examiner also does not specifically state which element of *Candelore* corresponds to the means for receiving data from an entitlement service provider for verifying entitlement. According to claim 18, an entitlement party provides the entitlement information. The key, from *Candelore*, that is received from the service provider, is arguably the closest element to entitlement information. Thus, the service provider would, therefore, arguably correspond to the entitlement party. According to the specification, the entitlement party and the entitlement service provider may be the same entity when the entity is both the party establishing entitlement rights and the party that provides the entitled service. P. 9, lns 6–10. However, the data received by the entitlement service party, of claim 18, is not the same as the entitlement information or key. Thus, this element of claim 18 requires other data to be received from the service provider for use in verifying entitlement. *Candelore* does not teach or suggest any additional data communicated from the service provider that the digital device uses to establish entitlement. Thus, *Candelore* does not teach or suggest this limitation of claim 18.

The Examiner additionally does not specifically state what element from *Candelore* corresponds to the means for searching the stored entitlement information using the data provided by the entitlement service provider. The key, in *Candelore*, is provided by the service provider in the ECM message. Col. 6, lns 40–51. As noted above, the service provider does not supply any additional identification data or access data that is used to search anything. *Candelore* does describe the structure of various messages sent from the service provider, such as the ECM messages and entitlement management messages (EMM), which may contain historical keys. Figures 6A–E, 8A–C. However, *Candelore* does not describe any means for searching stored entitlement information using any data provided by the entitlement service provider. Moreover, because *Candelore* does not teach a means for searching, it also does not teach or suggest any means for providing the results of a search. Thus, *Candelore* does not teach or suggest these limitations of claim 18.

Therefore, Applicants respectfully assert that, for the above reasons, claim 18 is patentable over the 35 U.S.C. § 102 rejection of record. Furthermore, there are great differences between claim 18, as amended, and *Candelore*, and a person of ordinary skill in the art considering the prior art would not find these differences obvious.

**VII. REJECTIONS UNDER 35 U.S.C. § 103(a)**

Claim 2 and claims 5, 6, 13, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Candelore* in view of *Akins* and over *Candelore* in view of *Katz*, respectively.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Applicants assert that the rejection does not satisfy these criteria.

**A. *Claim 2***

The Examiner admits that *Candelore* does not teach or suggest “a certification engine for providing certified results from said data structure search.” He attempts to cure this deficiency by offering *Akins*. However, even with the combination of *Candelore* and *Akins*, all of the limitations of claim 2 are not taught or suggested.

Claim 2 depends directly from independent claim 1 and, thus, inherits each limitation of claim 1. As noted above, *Candelore* does not teach or suggest each of the limitations of claim 1, as amended. Applicants assert that *Akins* also does not teach or suggest each of the limitations of claim 1, nor does the Examiner assert such. Additionally, *Akins* does not teach or even suggest the limitation of claim 2.

The Examiner cites to Figures 21, 23, 25, and 29 and the accompanying text to support his rejection of claim 2 based on *Akins*. Figure 21 is a block diagram illustrating a forward purchase message. Figure 21. Figure 23 is another illustration of a message, a code

message, that is used in authenticating data for applications running on a Digital Home Communication Terminal (DHCT). Figure 23. Figure 25 is a diagram of the main components of a Transaction Encryption Device (TED) for encrypting messages to the DHCT. Figure 25. Figure 29 is a diagram of an Entitlement Management Message (EMM) generator. Figure 29. However, nothing in these Figures or in the accompanying text teaches or suggests a certification engine that provides certified results from a data structure search for entitlement information responsive to data provided by the service provider. In fact, *Akins* teaches when a user of a DHCT wishes to purchase an instance of service offered by an entitlement agency, the user sends a purchase order to the EA. Col. 41, ln 59–Col. 42, ln 7. Therefore, the system that operates across the elements described in *Akins* Figures 21, 23, 25, and 29 is triggered by data sent by the user and not the service provider as required in claim 2. Thus, the combination of *Candelore* and *Akins* does not teach each and every limitation of claim 2. Applicants respectfully assert that, for the above reasons, claim 2 is patentable over the 35 U.S.C. § 103(a) rejection of record.

**B. Claims 5, 6, 13, and 19**

With regard to claim 5, the Examiner admits that *Candelore* does not teach or suggest a secure access point including a controlled access computer terminal for manually entering entitlement information provided by the entitlement enterprise. With regard to claim 6, the Examiner admits that *Candelore* does not teach or suggest a secure access point including an interactive voice response (IVR) unit for facilitating verbal access to the clearinghouse. With regard to claim 13, the Examiner admits that *Candelore* does not teach or suggest an assembling step that comprises the steps of receiving entitlement information from entitlement parties and manually entering the entitlement information on to the list of entitlement information. With regard to claim 19, the Examiner admits that *Candelore* does not teach or suggest a means for receiving step and a means for providing step that include means for providing voice interaction with the entitlement authority. The Examiner attempts to cure these multiple deficiencies by offering *Katz*, which he alleges teaches such limitations. However, even with the combination of *Candelore* and *Katz*, all of the limitations of claim 19 are simply not taught.

Claims 5 and 6 depend directly from independent claim 1. Claim 13 depends directly from independent claim 9, and claim 19 depends directly from independent claim 18. As such, each of the rejected claims inherits the limitations of claims 1, 9, and 18, respectively. As noted above, *Candelore* does not teach or suggest each of the limitations of claims 1, 9, and 18. Applicants further assert that *Katz* also does not teach or suggest each of the limitations of claims 1, 9, and 18, as amended, nor does the Examiner assert such. Therefore, Applicants respectfully assert that, for the above reasons, claims 5, 6, 13, and 19 are patentable over the 35 U.S.C. § 103(a) rejection of record.

### **VIII. CONCLUSION**

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 10013274-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482712536US in an envelope addressed to: MS Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date of Deposit: September 15, 2005

Typed Name: Susan Bloomfield

Signature: *Susan Bloomfield*

Respectfully submitted,

By *TJ. Meaney*

Thomas J. Meaney  
Attorney/Agent for Applicant(s)  
Reg. No.: 41,990

Date: September 15, 2005  
Telephone No. (214) 855-8230